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Arrangements for intergovernmental meetings

Adjusting the timing of the election of the President

Note by the secretariat

Summary

This document discusses options for adjusting the timing of the election of the President of the Conference of the Parties (COP) and the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol (CMP), and options for strengthened coordination between the President and incoming Presidencies of the COP and the CMP to ensure a smooth transition between sessions of the COP and the CMP. The Subsidiary Body for Implementation is invited to consider these options and provide further guidance.

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I. Introduction

A. Mandate

1. The Subsidiary Body for Implementation (SBI), at its fortieth session, requested the secretariat to prepare a document for consideration at SBI 41 on adjusting the timing of the election of the President of the Conference of the Parties (COP) and the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol (CMP), including options for strengthened coordination between the President and incoming Presidencies of the COP and the CMP, in order to ensure smooth transition between sessions.¹

B. Scope of the note

2. This document presents options for:

(a) Adjusting the procedures regarding the timing of the election and/or the commencement of the term of office of the President, as well as of the other members of the Bureau of the COP and the CMP, to ensure uniformity and consistency in the election of all members of the Bureau, and the efficient functioning of the Bureau;²

(b) Strengthening coordination between the President and incoming Presidencies to facilitate a smooth transition between sessions of the COP and the CMP.

C. Possible action by the Subsidiary Body for Implementation

3. The SBI may wish to consider the information presented below and provide further guidance on possible options for adjusting the timing of the election and/or the commencement of the term of office of the President, as well as the other members of the Bureau; and for strengthening coordination between the President and incoming Presidencies of future sessions of the COP and the CMP.

II. Election of the President of the Conference of the Parties and the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol

4. The President of the COP and the CMP provides political leadership to Parties in the UNFCCC process, and oversees the work of the COP and the CMP to ensure timely and sound delivery of decisions on the climate change regime. The President exercises such powers as are conferred by the draft rules of procedure being applied,³ and that are in accordance with established practice at intergovernmental conferences convened under the auspices of the United Nations. The President is assisted by the Bureau and guided by the views of and input from Parties. In exercising the functions of the office, the President remains under the authority of the COP and the CMP.

¹ FCCC/SBI/2014/8, paragraph 216(b).

² This document should be read in conjunction with document FCCC/SBI/2014/11.

³ FCCC/CP/1996/2. The draft rules of procedure have not been adopted by the COP owing to lack of agreement by Parties on rule 42. However, the COP and the CMP have consistently applied the draft rules of procedure, with the exception of rule 42.

5. In accordance with the draft rules of procedure, the President oversees and guides the work of the COP and the CMP by, *inter alia*:

- (a) Declaring the opening and closing of the sessions of the COP and the CMP;
- (b) Presiding at the meetings of the COP and the CMP;
- (c) Ensuring the observance of the draft rules of procedure;
- (d) According Parties and observers the right to speak during meetings;
- (e) Putting questions to the vote and announcing decisions;
- (f) Ruling on points of order;
- (g) Having complete control of the proceedings and over the maintenance of order at the meetings.⁴

6. In performing his or her functions, the President must remain impartial and promote the interest of all Parties and the UNFCCC process. In accordance with rule 22, paragraph 3, of the draft rules of procedure, the President shall not at the same time exercise the rights of a representative of a Party.

A. Procedures for the election and the commencement of office of the President of the Conference of the Parties and the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol

7. In accordance with rule 22, paragraph 1, of the draft rules of procedure, the President is elected and takes office at the commencement of each session of the COP and serves in office until the election of a new President at the following session of the COP. Rule 22, paragraph 1, states as follows:

“At the commencement of the first meeting of each ordinary session, a President, seven Vice-Presidents, the Chairmen of the subsidiary bodies established by Articles 9 and 10 of the Convention, and a Rapporteur shall be elected from among the representatives of the Parties present at the session. They will serve as the Bureau of the session. Each of the five regional groups shall be represented by two Bureau members and one Bureau member shall represent the small island developing states. The offices of President and Rapporteur shall normally be subject to rotation among the five regional groups.”

8. However, should the President of the COP represent a Party to the Convention that is not a Party to the Kyoto Protocol, the CMP shall elect a representative from amongst the Parties to the Kyoto Protocol to serve as President of the CMP.

9. In accordance with rule 22, paragraph 1, of the draft rules of procedure, the President of the COP and the CMP is elected at the commencement of the session of the COP, takes office immediately and serves in that capacity for a term of approximately one year until the election of a new President at the commencement of the next ordinary session of the COP. The President also serves at any intervening extraordinary sessions of the COP and the CMP convened during this period. These procedures ensure that the President is elected and takes office immediately at the commencement of the sessions of the COP and the CMP, to preside over and guide the work of the Parties during the sessions.

10. The current procedures in the UNFCCC process have a number of constraints in that a President Designate of forthcoming sessions of the COP and the CMP has no formal role

⁴ See rule 23 of the draft rules of procedure (see footnote 3 above).

in the preparations for the sessions at which he or she will preside. They also do not recognize the intense work that is required by the incoming President to prepare for and ensure a successful conference, in terms of the political engagement with Parties on the substantive outcome of the sessions, as well as any logistical and organizational arrangements that may be necessary for conferences that are hosted away from the seat of the secretariat.

11. Parties may also wish to consider the timing of the election and/or the commencement of the term of office of the members of the Bureau other than the President. As noted above, the draft rules of procedure provide that the other members of the Bureau should also be elected and take office at the commencement of the session of the COP, and, together with the President, serve as the Bureau.

12. The practice has, however, emerged whereby the President is elected at the commencement of the session, with the COP postponing the election of the other members of the Bureau until the close of the session to allow the regional groups and constituencies represented on the Bureau to continue consultations and finalize their nominations for election to the Bureau. Pending the election at the close of the session, the Bureau members elected at the previous session of the COP remain in office and serve on the Bureau during the sessions of the COP and the CMP, in accordance with rule 22, paragraph 2, of the draft rules of procedure.⁵

13. This practice may result in difficulties in maintaining the regional balance in the composition of the Bureau during the sessions of the COP and the CMP, in accordance with rule 22, paragraph 1, of the draft rules of procedure. With the election of a new President at the commencement of the session and the postponing of the election of the other members of the Bureau until the end of the session, it may result in the President and two members of the Bureau from one regional group serving on the Bureau simultaneously. At the same time, the regional group of the President of the previous sessions of the COP and the CMP would be represented by one member on the Bureau pending the election of the other members of the Bureau at the closure of the sessions.

14. To address the situation where a newly elected President presides over a Bureau that consists of members elected at the previous sessions of the COP and the CMP, as well as the possible regional imbalance on the Bureau during the sessions, the COP has agreed on transitional measures concerning the Bureau during the sessions. The COP has established the practice whereby confirmed nominees to the Bureau are invited to attend the meetings of the Bureau pending the election at the close of the session.⁶ For uniformity and to ensure a smooth and efficient functioning of the Bureau, Parties may wish to consider rationalizing the election of all the members of the Bureau.

15. It should be noted that the draft rules of procedure of the COP are similar to those of other intergovernmental processes within the United Nations system. At the commencement of its first meeting each year, the United Nations Economic and Social Council elects from its members the President and other members of its Bureau, all of whom take office immediately.⁷ Similarly, at the commencement of the first meeting of its regular session, the United Nations Environment Assembly (UNEA) of the United Nations Environment Programme elects a President, eight Vice-Presidents and a Rapporteur from among its members to constitute its Bureau.⁸ The members of the UNEA Bureau take office

⁵ See the report on COP 19 (FCCC/CP/2013/10, paras. 12–13).

⁶ See the report on COP 8 (FCCC/CP/2002/7, para. 26).

⁷ See rule 18, paragraph 1, of the rules of procedure of the United Nations Economic and Social Council (document E/5715/Rev.2, available at <<http://www.un.org/en/ecosoc/about/pdf/rules.pdf>>).

⁸ See rule 18, paragraph 1, of the rules of procedure of UNEA of the United Nations Environment Programme (UNEP) (decision 27/1 in document UNEP/GC.27/17, as amended by resolution 2 of

immediately and hold office until their successors are elected at the commencement of the next regular session.⁹

16. Other intergovernmental processes have established different rules concerning the election and/or the start of the term of office of the President and other members of their Bureaux. The United Nations General Assembly, for example, annually elects its President and 21 Vice-Presidents at least three months before the opening of the session over which they are to preside. The President and the Vice-Presidents so elected assume their functions only at the beginning of the session for which they are elected and hold office until the close of that session.¹⁰ The General Council of the World Trade Organization annually elects its Chairperson and three Vice-Chairpersons during the course of each regular session to assume office at the end of the session and serve until the end of the next session.¹¹

17. As with the UNFCCC COP, the rules of procedure of the Conference of the Parties to the Convention on Biological Diversity (CBD) originally provided that at the commencement of the first session of each ordinary meeting, which was convened annually, the Conference of the Parties would elect its President, the Vice-Presidents and Rapporteur to serve as its Bureau. The President, Vice-Presidents and Rapporteur remain in office until their successors are elected at the next ordinary meeting.¹² At its fifth meeting, the Conference of the Parties to the CBD amended its rules of procedure to provide that the ordinary meetings of the Conference of the Parties shall be held every two years, and that the Conference of the Parties shall elect the President and the other members of the Bureau to serve for a term of two years. The term of office of the President commences immediately after the election, while the term of office of the Vice-Presidents commences at the closure of the meeting at which they are elected. The President remains in office until a new President is elected at the commencement of the next ordinary meeting of the Conference of the Parties, with the Vice-Presidents remaining in office until the closure of the next ordinary meeting of the Conference of the Parties.¹³

18. The respective Conferences of the Parties to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal and the Stockholm Convention on Persistent Organic Pollutants have also amended their rules of procedure to adjust the timing of the elections and the commencement of the term of office of their

UNEA at its first session held from 23 to 27 June 2014, available at <<http://www.unep.org/about/sgb/Portals/50153/Repository/RulesofProcedure/GC27%20decision%20RoP.pdf>>).

⁹ See rule 19 of the rules of procedure referred to in footnote 8 above.

¹⁰ See rule 30 of the rules of procedure of the United Nations General Assembly (document A/520/Rev.15, available at <<http://www.un.org/depts/DGACM/Uploaded%20docs/rules%20of%20procedure%20of%20ga.pdf>>).

¹¹ See rule 16 of the rules of procedure of the Governing Council of the World Trade Organization (document WT/L/161, available at <[¹² See rule 21, paragraphs 1 and 2, of the rules of procedure of the Conference of the Parties to the CBD \(document UNEP/CBD/COP/1/17, available at <<https://www.cbd.int/doc/legal/cbd-rules-procedure.pdf>>\).](https://docs.wto.org/dol2fe/Pages/FE_Search/FE_S_S006.aspx?MetaCollection=WTO&SymbolList=WT/L/161&Serial=&IssuingDateFrom=&IssuingDateTo=&CATTITLE=&ConcernedCountryList=&OtherCountryList=&SubjectList=&TypeList=&AutoSummary=&FullText=&FullTextForm=&ProductList=&BodyList=&OrganizationList=&ArticleList=&Contents=&CollectionList=&RestrictionType=&PostingDateFrom=&PostingDateTo=&DerestrictionDateFrom=&DerestrictionDateTo=&ReferenceList=&Language=ENGLISH&SearchPage=FE_S_S001&ActiveTabIndex=0&languageUIChanged=true#>>).</p>
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¹³ See decision V/20 contained in annex III to document UNEP/CBD/COP/5/23, available at <<http://www.cbd.int/decision/cop/default.shtml?id=7162>>.

Presidents and other members of their Bureaux. At the ordinary meetings of the Conferences of the Parties to the Basel and the Stockholm Conventions, which are held every two years, the Presidents and Bureaux members are elected and commence their terms of office at the closure of the meetings of the Conferences of the Parties and serve in office until the election of their successors at the closure of the next meetings of the Conferences of the Parties.¹⁴

B. Adjusting the timing of the election and commencement of office of the President of the Conference of the Parties and the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol

19. The timing of the election and/or the commencement of the term of office of the President of the COP and the CMP could be adjusted so that:

(a) The election is held at the conclusion of the sessions of the COP and the CMP, with the President assuming office immediately; or

(b) The election is held at the commencement of or during the sessions, with the President assuming office at the conclusion of the sessions.

20. Any adjustment would require a decision by the COP, in view of the mandate of the COP to elect the President. To ensure a transparent, clear and legally sound approach on adjusting the timing of the election and/or the commencement of the term of office of the President, Parties may wish to consider inviting the COP to adopt a decision that amends rule 22 of the draft rules of procedure accordingly. Parties may also wish to consider whether such a decision should also address the timing of the election and/or the commencement of the term of office of the other members of the Bureau, in order to ensure uniformity and consistency of the procedures for the election of all members of the Bureau, and its effective functioning.

21. Any adjustment of the timing of the election and/or the commencement of the term of office of the President may have consequences for the term of office of the President serving in office when this change is implemented. The COP may therefore wish to consider arrangements to ensure a smooth and effective transition during the implementation of any change. For example, the term of office of the President elected at the commencement of the session could conclude at the closure of the session when a new President is elected and/or commences his/her term of office. Alternatively, the term of office of the President elected at the previous session could be extended to allow the President to continue to serve in office and preside over the COP and the CMP until a new President is elected and/or commences office at the closure of the session. Careful planning is therefore recommended to ensure effective functioning of the UNFCCC process.

¹⁴ See rule 1, paragraph 1, and rule 22, paragraph 1, of the rules of procedure of the Conference of the Parties to the Basel Convention (decision 1/1, as amended by decisions VII/37, BC-10/1 and BC-11/24, available at <<http://synergies.pops.int/Implementation/Publications/tabid/2645/language/en-US/Default.aspx>>). See also rule 4, paragraph 1, and rule 22, paragraph 1, of the rules of procedure of the Conference of the Parties to the Stockholm Convention (decision SC-1/1, as amended by decision SC-5/1, also available at <<http://synergies.pops.int/Implementation/Publications/tabid/2645/language/en-US/Default.aspx>>).

III. Strengthening coordination between the President and incoming Presidencies of the Conference of the Parties and the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol

22. Parties may also wish to consider options to strengthen coordination between the President and the incoming Presidencies of future sessions of the COP and the CMP, while ensuring transparency and inclusiveness in the UNFCCC process. Such improved coordination could help to ensure a smooth transition between sessions. This may also provide opportunities for the incoming Presidencies of future sessions to have greater input into the preparation for the sessions at which they would preside. It should also be noted that the President and the incoming President often work together on key political issues and events of importance to the UNFCCC process.¹⁵

23. The COP may wish to invite the President and incoming Presidencies of future sessions of the COP and the CMP to continue to work closely together and collaborate in the preparation for the work of the COP and the CMP through, inter alia:

(a) Convening informal events during the intersessional meetings to brief Parties on the preparations for the forthcoming sessions, in particular political preparations;¹⁶

(b) Convening intersessional consultations with Parties on specific issues of great political importance;¹⁷

(c) Inviting incoming Presidencies of future COP and CMP sessions, or their representatives, to participate in meetings of the Bureau to brief and obtain the views of the Bureau on the preparations for the forthcoming sessions.

24. Some of these options noted above would concretize the current practice in the UNFCCC process. In addition, regional groups would be encouraged to reach early agreement and nominate the President Designate of future sessions of the COP and the CMP to enable such coordination and collaboration. These options could provide enhanced opportunities for the President and the incoming Presidencies of future sessions to work together to further political momentum and the engagement of Parties in the work of the COP and the CMP.

¹⁵ For example, during the sessions of the subsidiary bodies held in June 2014, the President and incoming President co-chaired the high-level ministerial round table on increased ambition of Kyoto Protocol commitments, held on 5 June, and the high-level ministerial dialogue on the Durban Platform for Enhanced Action, held on 6 June.

¹⁶ For example, during the sessions of the subsidiary bodies referred to in footnote 15 above, the President Designate of COP 20/CMP 10 convened open-ended informal consultations with Parties on the expectations for the Lima Conference, and during the sessions of the subsidiary bodies held in May 2012, the President Designate of COP 18/CMP 8 held open-ended informal consultations with Parties on the expectations for the Doha Conference.

¹⁷ For example, COP 19 requested the President, in collaboration with Peru as host of COP 20, to undertake forward-looking, open-ended informal consultations on decision-making in the UNFCCC process with Parties and with the possibility to report back to COP 20 (see document FCCC/CP/2013/10, para. 154).